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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,870	12/14/2001	Kunio Hotta		1773

7590 01/27/2004

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VA 22041

EXAMINER

DOAN, ROBYN KIEU

ART UNIT	PAPER NUMBER
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3732

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DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application N .

10/014,870

Applicant(s)

HOTTA ET AL.

Examin r

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Urso and Pastl.

With regard to claims 9, 11 and 15, Mochel discloses an oral cleansing and hygiene device (fig. 1) comprising a holder body (1) having a working section (14) connecting to an interior of the holder body and an insert section (3) on an end of the holder body having an insert slot (10) with two clamp components (11a, b); a link rod (12b) being a Y shape and having a floss bow section (8a, b); the link rod and the floss bow being integrally formed and the link rod comprising a rod body (12a) on an end opposite the floss bow section, the rod body being removably inserted into the insert slot and frictionally engaged by the two clamps; the floss bow having two floss expansion ends (8a, b), each of the floss expansion ends having a retaining notch (9a, b) for securing a floss material between the two floss expansion ends; the device further having a massage bar (fig. 6). In regard to claim 15, the device having a motor (17) and an eccentric hammer (18). Mochel does not disclose the floss bow having a securing

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screw and a securing rod, however, Urso discloses a flosser (fig. 1) comprising a floss bow (16) having a securing means (34). Pastl discloses a dental floss applicator having a securing crew and securing rod (12, 17). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the floss bow having the securing screw and rod as taught by Urso and Pastl into the flosser of Mochel for the purpose of providing a holding taut to the dental floss.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Kennedy.

With regard to claims 12 and 14, Mochel discloses an oral cleansing comprising all the claimed limitations in claim 9 as discussed above except for the clamps being elastic material and the massage bar being a horseshoe shape. Kennedy discloses a teeth cleaning device (fig. 1) comprising a horseshoe shape massage bar (col. 1, lines 40-42). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the horseshoe shape massage bar as taught by Kennedy into the device of Mochel for the purpose of massaging the gum and it would also have been obvious to one having ordinary skill in the art at the time the invention was made to employ the elastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

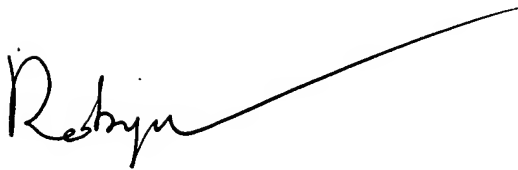
Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Imai et al.

With regard to claim 13, Mochel discloses an oral cleansing comprising all the claimed limitations in claim 9 as discussed above except for the insert section having an insert tenon. Imai et al discloses a dental floss holder (fig. 10) comprising a link rod having an insert tube (70a), an insert section having an insert tenon (40) being removably inserted into the tube. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the insert section having an insert tenon as taught by Imai et al into the device of Mochel for the purpose of interchanging to a variety of dental tool attachments.

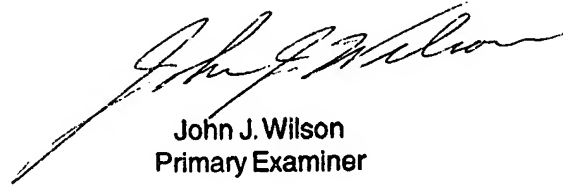
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (703) 306-9182. The examiner can normally be reached on Mon-Fri 9:30-7:00; alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

A handwritten signature in black ink, appearing to read "Robyn", with a long, sweeping horizontal line extending to the right.

Robyn Kieu Doan
Examiner
January 21, 2004

A handwritten signature in black ink, appearing to read "John J. Wilson", with a long, sweeping horizontal line extending to the left.

John J. Wilson
Primary Examiner